

Court of Appeals, State of Michigan

ORDER

Gerald R. DeHaven v Stephanie Veenstra

Docket No. 280274

LC No. 2000-006732-DM

David H. Sawyer
Presiding Judge

Joel P. Hoekstra

Jane E. Markey
Judges

The motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court orders that the August 30, 2007, order of the Kent Family Court is VACATED and this matter is REMANDED to the family court to conduct a hearing in compliance with MCL 722.27(1)(c) and the procedures therein governing a change of custody in the presence of an established custodial environment. The trial court may not change custody unless defendant establishes by a preponderance of the evidence that a ground justifying a change of custody exists as specified by MCL 722.27(1)(c) and the court determines that the change is in the best interests of the child after a review of the best interest factors, MCL 722.23. *Vodvarka v Grasmeyer*, 259 Mich App 499, 508; 675 NW2d 847 (2003). This order takes immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 06 2007

Date

Sandra Schultz Mengel
Chief Clerk